

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

December 7, 2020



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Members

Peter Doeringer, Chair
Kelley Brown, Member
Sudha Maheshwari, Member
Jennifer Molinsky, Member
Sonia Parisca, Vice Chair
Chris Steele, Member
Barney Heath, *ex officio*
Kevin McCormick, Alternate
James Robertson, Alternate

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Members Present:

Peter Doeringer, Chair
Sonia Parisca
Chris Steele
Sudha Maheshwari
Jennifer Molinsky
Kevin McCormick
James Robertson

City Councilors Present: Councilors Albright and Malakie

Staff Present:

Barney Heath, Director of Planning and Development
Amanda Berman, Director of Housing & Community Development
Eamon Bencivengo, Housing Development Planner
Katy Hax Holmes, Chief Preservation Planner
Malcolm Lucas, Housing Planner
Shaylyn Davis, Community Development Planner
Tiffany Leung, Community Development Planner
Danielle Bailey, Grants Manager
Cat Kemmett, Planning Associate

Others present: Judi Barrett, Barrett Planning Group

Meeting held virtually by Zoom Meeting

1. Public Hearing and Vote on FY 21-25 Analysis of Impediments to Fair Housing Choice (AI) Final Draft Report

Chair Doeringer opened the meeting at 7:02 p.m.

Ms. Berman explained that the department has been working with Ms. Barrett and her team since March on a plan for the WestMetro HOME Consortium, which coincides with a 5-year plan submitted and approved by HUD.

Ms. Barrett started her presentation. She explained that the focus of the WestMetro HOME Consortium is to create and promote fair housing opportunities for the whole consortium, not just Newton or any one town only. An analysis of impediments is required for HUD federal fund recipients.

Ms. Barrett explained that the legal framework for this analysis lies in the Fair Housing Act, and that fair housing exists when people can find safe and suitable housing options within their economic means wherever they choose to live, and they do not face discrimination based on their membership in a protected class. Public & private practices have contributed over the years to a lack of fair housing.

Some of the recommendations included in the plan include:

- Make training and educational opportunities easier to access
- Make resources available to people with disabilities
- Translate materials for those who speak languages other than English
- Hold an annual training to distribute information
- Develop a series of fair housing PSAs for distribution on local cable access channels

- Provide info on fair housing responsibilities to first-time landlords, realtors, housing developers
- Identify & address discriminatory actions in the private real estate market
- Increase the consortium's capacity to affirmatively further fair housing
- Review zoning ordinances for provisions that may unintentionally encourage discriminatory practices

Ms. Barrett explained that her group solicited feedback from a focus group to better understand why these barriers exist in these communities. Some highlights learned from these focus groups include:

- The need for larger affordable units for families
- The need for smaller, accessible units for seniors looking to downsize
- Households with rental vouchers where vouchers often fail to cover enough of the cost
- Households at or below 50% AMI experience a lack of options at this level of affordability

Other lessons learned from these focus groups that Ms. Barrett discussed include

- There is a lack of regional and local collaboration on housing issues
- Lack of diversity on boards/committees,
- Weak or no inclusionary zoning
- Zoning that favors single family homes on large lots
- Survey revealed most people are not aware of what their community is doing to address housing discrimination

Ms. Barrett concluded her presentation. Chair Doeringer then opened the public hearing at 7:30 p.m.

Ted Hess-Mahan, Chair of the Fair Housing Committee, said that the consensus of the members of the Fair Housing Committee consensus is to endorse all recommendations made in this draft and recommend that the Consortium staff provide the Board with an implementation plan by February 2021. The Fair Housing Committee is interested in seeing defined outcomes and strategies for implementation, and for all of these actions to be addressed in a five-year plan. The Fair Housing Committee believes that all recommendations should be implemented according to a schedule designed by Consortium staff, who should also draw up a high-level budget for fair housing testing. Consortium staff should identify funding for annual training and educational materials for property owners. The Fair Housing Committee inquired as to how the Consortium staff can coordinate with all the communities to implement all the recommendations and suggest that Consortium incorporate the resources that member communities may have, such as legal and practical expertise. Mr. Hess-Mahan added that the Fair Housing Committee in Newton has been recommending testing for years and they are glad to see it is included in these recommendations.

Doris Ann Sweet said that Newton is in the process of reevaluating its zoning, and this report highlights the difficulty of getting good information out to the public. She asked if other communities are working on changing zoning in the way that Newton is. Ms. Barrett responded that she is not aware of another comprehensive zoning process going on now in the area that is substantially similar to what is happening in Newton.

Ellis Kriesberg, a resident of Bedford, said that the waitlist for housing authority units has a preference for veterans, which is de facto discriminatory, and asked if anything can be done about that. Ms. Barrett explained that the ability to give preference to veterans is programmatic. If Housing Authorities are giving preference to any group, it's because they must. There is often a disconnect between housing options that exist and the needs of the community.

Councilor Malakie asked why Wellesley, Weston, and Lincoln are not included in the consortium. Ms. Barrett said that while she was not sure, being a part of the consortium is voluntary, and the composition of the consortium has changed over time. Mr. Heath said that in the past Newton has reached out to those communities, but it is all voluntary and there isn't much of a financial incentive for them to join. Ms. Berman added that there has not been outreach to those towns lately. Being a member of the consortium is a lot of work, and if they aren't eager to participate, it might not work. Acton has been interested and they are a contiguous community, so Consortium staff is looking into that possibility.

At 7:47 p.m. the Board began their discussion.

Ms. Molinsky suggested a few small language suggestions, including referring to single family only zoning rather than single family zoning, for clarity. She agreed that the link between zoning and fair housing is important. If a community adopts zoning that results in inflated housing costs, it could keep out certain groups and create a fair housing issue. She said it would be helpful to underscore in the report that even if unintentional, these policies can have negative impacts. She would like to increase the stock of accessible housing as well and asked if visitability ordinances or similar things have reached the level of becoming a recommendation. Ms. Barrett said that she can make those suggested changes, and that while visitability is certainly something that can be made a development standard, she prefers to think about universal design standards as part of site plan review.

Mr. McCormick concurred that zoning is an important component of this analysis, and that this is an appropriate time to be considering zoning changes. He believes that the City Council should look at this report. We know we need subsidized housing, but it has been difficult to talk about making changes to single family-only zoning, and this report could help educate people on how important this is. Ms. Barrett agreed, and said that if you have homogenous housing stock, you are narrowing consumer choices. The more diverse your housing stock is, the more diverse your households can be.

Chair Doeringer said that he has noticed that easier projects have been done but the more difficult or expensive projects have not. He said it might be useful to include a prioritization that would move all communities forward to the tougher implementation stages. He suggested a set of timetables for communities at different abilities to act and respond to the recommendations by 2025. Ms. Barrett said she would be happy to make those changes.

Ms. Maheshwari Sudha asked if Fair Housing workshops are regularly held, and if there is a Consortium-wide effort to push Fair Housing workshops and education. Ms. Barrett responded that CTPC will soon be providing brand new training modules on fair housing in spring. She wants to make sure every community has access to quality and comprehensive educational materials. Mr. Hess-Mahan added that he would love to be able to expand Fair Housing workshops, like the one the Newton Fair Housing Committee hosted for Board members.

Josephine McNeil said that some elected officials are not inclined to learn more about these issues, and that educational programs are held every year and elected officials rarely come. We need commitment from them, because it is clear that offering education is not enough if people don't show up.

Kathy Laufer said that as a member of the Fair Housing Committee, she is looking forward to more collaboration with the consortium.

At 8:04, Mr. Steele moved to close the public hearing, seconded by Ms. Maheshwari.

Mr. McCormick then made a motion to accept the report, seconded by Ms. Maheshwari. The motion carried 5-0-1 with Mr. Heath abstaining.

2. Public Hearing and Vote on Substantial Amendment to the FY20 Annual Action Plan and FY16-FY20 Consolidated Plan

At 8:06 p.m. Ms. Berman her presentation. She explained that this item is a substantial amendment to the third round of CDBG-CV funds. This round includes \$607,513 of funding under the CARES Act, which was signed on March 27, 2020. The first allocation for Newton in spring was for \$1,136,128, and the second allocation in fall was for \$607,513.

According to HUD requirements, this funding must be used to prevent, prepare for, and respond to COVID-19 through CDBG eligible activities. The spring funding went to several programs, including: COVID-19 emergency housing relief, the small business recovery grant program, the human services program, and program administration.

For this round, 49%, or \$300,000, will go toward small business recovery grants to support small businesses that have had significant disruption due to the pandemic. To be eligible, these businesses must have a physical establishment in Newton and a loss of revenue of at least 30%. Priority will be given to those who didn't get funds in the first round of the program. Businesses may use this funding for employee wages, loss of inventory, rent/commercial mortgage, utilities, PPE, and other eligible activities. The city expects that about 26 businesses

can be served in this round. Applicants will be evaluated based on several factors, including: are they a low to moderate income owned business, the severity of need, strength of community engagement and outreach, and others. In the last round there were 107 applications, and 27 grants given to enterprises across Newton

Human services will get 41% of the funds, or \$247,000 dollars. This funding will be given to nonprofits that provide direct service to support Newton's low-to moderate income population. The funding will be made available through a mini RFP round. Priority will be given to the most urgent needs, such as basic needs, mental health services, food insecurity, utility payments, and in-person childcare. The minimum grant amount will be \$20,000 per grantee. The RFP was released on November 18, and applications are due December 9. In round 1, 86% of individuals served were extremely low income and most (79%) were white. Finally, 10% of the allocation will go to program administration.

Ms. Berman also provided an update on the emergency housing relief program. - The lottery took place on June 10, and as of November 30, 205 households have been served. Over \$900,000 of direct rental and mortgage assistance has been given. As of December 21, 154 households will lose their housing assistance. The CPC meeting on December 8 will include a conversation to discuss extending assistance beyond the current 6 month maximum.

Chair Doeringer then opened the public hearing.

Josephine McNeil said that only the demographics served in the rental assistance program reflects what one would expect based on what we understand about who has been most negatively impacted by COVID-19. With respect to businesses, were any owned by minorities? What about employees? Ms. Bailey said that for round 1, staff tried to use the state vetting process, which was deemed to not work very well for this purpose. For round 2 they will ask those questions without relying on state data for owners, but had not planned to ask about employees, but staff will look into it.

Ms. McNeil asked that given what we saw in the AI report and other data we have, have we considered just focusing on low income people, rather than moderate income populations, where money could go further and serve more people? Ms. Berman answered that the department is looking at supporting the programs out there in Newton and has not discussed funding only programs that serve low income individuals.

Ms. McNeil said that the communities being hit hardest by COVID-19 are poor people, not moderate-income people and does not understand why we wouldn't focus on those that need it most. Why aren't members of the community involved in this process? Mr. Heath responded that the department is restricted by time. The main goal is to get the funding out to the network of providers as soon as possible. Staff also rely a lot on community organizations who know how to reach the people that need help the most.

Ms. McNeil responded that that method creates a problem- if you are in the know, you have a better chance of access to funding. The people who need it most often don't have a chance if they are not connected to the right people. How do people find out about these grants?

Ms. Berman said that staff maintain a listserv of organizations that are funded, were funded in the past, or do work in Newton, who get an email informing them of these opportunities. They are included in the Friday report, go out to the mayor's news list, normal RFPs are published in the TAB, and they hold info sessions.

Kathy Laufer, Director of the Cousens Fund, explained that her organization has been a recipient of such funds in the past. Many nonprofits already have their client base. If you are a client, you will have access to funds. If you are not a client, you will not have access to funds.

Chair Doeringer then began a discussion with Board members. Ms. Molinsky asked whether staff think demand will be higher this time. She also shared concern about the end of funding from the summer for housing and asked whether there was merit in saving money from this round for housing, and if that would be allowed if so. Ms. Berman explained that there is flexibility in the budget to use funding for housing but would require another substantial amendment. Ms. Leung said that on average, there are 20 applications from 20 organizations in a normal entitlement round. Some organizations do not apply because they get funding from elsewhere, or are required to serve a certain population, which narrows the pool of applicants.

Chair Doeringer said that Ms. McNeil made good points for the Board to consider and asked if there is a large backlog of applicants with need for housing assistance. Ms. Berman said that most households that applied were eligible have been funded. The maximum has been extended to 6 months, but most of the cohort that got funding started receiving it in July, which means it will expire soon. They are hoping to extend it for 2 more months.

Chair Doeringer asked what the likely date is we would need more money to serve the current population housing wise. Ms. Berman said that that would be February 2021. Ms. McNeil added that there are funds for housing at the state level as well, and we should refer people to the RAFT program.

At 9:00, Ms. Molinsky motioned to close the public hearing, seconded by Mr. Steele. Ms. Molinsky then moved to endorse the recommendation for the allocation of CARES-CV funding, seconded by Mr. Steele. The motion carried 6-0-1, with Mr. Heath abstaining.

3. Recommendation on Landmark Proposals for buildings in West Newton Square before Newton Historical Commission

Mr. Heath then introduced the next item. Ms. Hax Holmes explained that these two properties are the last of those nominated earlier in the year by Councilor Malakie. The new landmark ordinance was adopted in June 2020, and the reports created by the Historic Commission are based on the requirements in that revised ordinance. At this time, neither buildings have demolition delays on them, and not at any imminent risk at this point.

The conclusion of the NHC report is that while the Bank of America building contributes to the National Register district in West Newton, they are not recommending a landmark status for the building. Built 1932, the structure has been altered over time. Though it contributes to the district, according to their criteria it does not stand out as a landmark in that district.

Ms. Molinsky asked if the annex or the Davis Hotel is landmarked. Ms. Hax Holmes responded that the annex is not landmarked, and it has not yet been nominated, but the Davis Hotel has been. Councilor Malakie added that though she thinks it should be landmarked, the city owns it, so there is more control over its fate.

Chair Doeringer asked Board members if they wanted to make a recommendation about designating this building as a landmark. Ms. Molinsky said that she struggled with understanding how to reconcile what the ordinance says with the Washington Street Vision Plan's emphasis on sense of place, because this set of buildings contributes to that sense of place. Chair Doeringer said that the landmark report for this property makes it clear that the building does not meet the criteria for landmark status in the ordinance and doesn't fit in clearly with the Washington Street Vision Plan. Councilor Malakie pointed out some of the historical and architectural merits of the bank and its role in the neighborhood.

Ms. Parisca asked for clarification on what exactly happens if a property is landmarked, and whether if a building is preserved if that means it can still change uses over time. Ms. Hax Holmes explained that it removes the demolition delay in perpetuity. The structure could then only be demolished if the NHC approves it. However, a landmarked building can still change or be altered, in terms of use or physical structure, it just needs the approval of the NHC. The NHC has no jurisdiction over use. Any landmark can come before the NHC to change anything. Some areas can also be isolated to be allowed to change by right as well, at the discretion of the NHC.

Mr. Hess-Mahan said that the Bank of America building is historic, but it is a knock-off of other buildings.

Rena Getz said that the bank has character, is uniquely situated on the corner, and helps define the context in the area, and that these decisions should be made considering the whole context of the area.

Chair Doeringer then made a motion for the Board not to recommend 1 Chestnut Street for landmark designation. Ms. Parisca seconded, and the motion passed 5-0-1 with Mr. Heath abstaining.

Ms. Hax Holmes then explained that the NHC does recommend granting the CVS building landmark status. She explained that the building has been maintained over time and adapted to modern use but has largely retained its style. It fits the criteria for a landmark in that it stands alone as a unique architectural style, significantly

contributes to the architectural development of the city, and is a notable example of 1880 gothic Victorian architecture.

Chair Doeringer pointed out that the additions in the back of the building are not historic or iconic and asked if the Board could recommend landmark status without endorsing the additions. Ms. Holmes explained that the NHC probably wouldn't see those as contributing to the significance of the property. The whole building would be preserved under the rules in the ordinance, but a notation could be made that the Board would encourage property owners to work with the NHC in the future on the rear additions

Mr. McCormick said that the CVS building fits in well to the whole square, and it contributes to the neighborhood context significantly. He would recommend it for landmark status.

Chair Doeringer then made a motion for the Board to recommend 989-1003 Watertown Street for landmark designation. The motion was seconded by Mr. Steele and passed 5-0-1 with Mr. Heath abstaining.

4. Minutes

Upon a motion by Mr. Steele, and seconded by Mr. McCormick, the minutes from November 2 and November 5 were approved 5-0-2, with Ms. Molinsky and Ms. Parisca abstaining.

5. Zoning Redesign Update

Ms. Kemmett provided an update on Zoning Redesign. Planning staff held two community engagement events on December 2 and 3, which were well attended by the public. Staff plan to post the presentation, breakout sessions, and questions and comments from the event on the city website soon. She also explained that the Garage Ordinance revisions are well under way, and that staff plan to present the updated ordinance text at the ZAP meeting on December 14th.

6. Adjournment

Upon a motion by Mr. Steele, seconded by Mr. McCormick, the Board voted unanimously to close the meeting at 9:56 p.m.